IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 4729 of 2005**

Between:

P. Vijaya Prabhakara Rao, S/o. Prasada Rao,
Luthern English Medium High School, Guntur, R/o. Guntur.

**..... PETITIONER**

AND

1 The Govt of A.P., rep. by its Prl. Secretary, School Education Department, Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, A.P., Hyderabad.
3 The Regional Jt. Director of School Education, Guntur.
4 The District Educational Officer, Guntur.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in not absorbing the petitioner in the aided vacant post of Junior Assistant in LEM High School, Guntur w.e.f., 30.12.1998 as arbitrary, discriminatory and illegal and consequently direct the 3rd respondent to absorb the petitioner into the vacant aided post of Junior Assistant in Lem High School, Guntur w.e.f., 30.12.1998 and fix his pay w.e.f. 30.12.1998 and to pay him the arrears of salary and with all other consequential benefits, monetary and otherwise.

**Counsel for the Petitioner: MR.V.JAGAPATHI**

**Counsel for the Respondents: GP FOR SCHOOL EDUCATION**

**The Court, at the admission stage, made the following:**

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO : 4729 of 2005**

**ORDER:**

For not absorbing the petitioner in the aided vacant post of Junior Assistant in Loutheran English Medium High School, Guntur, with effect from 30-12-1998 the present writ petition has been filed.

2. The petitioner's case is that he was appointed as Junior Assistant (un-aided) on 06-01-1975. One A.S.C. Kinsinger who died on 29-12-98 while working in the grant-in-aid post of Junior Assistant in Loutheran English Medium High School, Guntur. While so, to the surprise of petitioner, the 4th respondent-District Educational Officer, Guntur, issued proceedings dated 19-06-2003, stating that the petitioner has to be absorbed with effect from 15-05-2003.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Higher Education for the respondents.

4. The learned counsel for the petitioner submits that the appointment of the petitioner to the un-aided post was approved by the 3rd respondent-Regional Director of School Education, Guntur, through his proceedings dated 16-06-1986 and to that effect, the petitioner submitted a representation dated 17-02-2005 to absorb him in the aided vacant post, which is said to be pending before the 3rd respondent. Hence, a direction may be given to the 3rd respondent to take appropriate decision in this regard.

5. Considering the submissions made by the counsel for the petitioner, I feel it consider that an appropriate decision has to be taken by the 3rd respondent in accordance with rules and regulations while deciding the question as to whether

the petitioner is entitled to be absorbed as Junior Assistant with effect from 30-12-1998 or not.

6 . Therefore, without entering into the merits of the case, the 3rd respondent is directed to take appropriate decision in accordance with rules and regulations, within a period of two months, from the date of receipt of a copy of this order.

7. With aforementioned direction, the writ petition is accordingly disposed of. No costs.

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March10, 2005

KVR

To

1 The Principal Secretary, Government of A.P., School Education Department, Secretariat, Hyderabad.
2 The Commissioner & Director of School Education, A.P., Hyderabad.
3 The Regional Joint Director of School Education, Guntur.
4 The District Educational Officer, Guntur.

5. 2 CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT)

6 2 CD copies

7 1 CC to MR.AGASTYA SHARMA

*Form-NIC-OGS/WP{**JGK**}*